



Frequently Asked Questions

Agricultural Land Preservation in Howard County

What is the purpose of the Agricultural Land Preservation Program (ALPP)?

The purpose of the ALPP is to keep land available for agriculture through the acquisition of development rights. The farmer retains ownership of the land and the right to use it for agricultural purposes. The government entity is granted an easement that protects the farm.

What is a deed of agricultural land preservation easement?

A deed of agricultural land preservation easement is a legal agreement between the property owner and the County/State that enumerates the rights and restrictions governing the use of the land. The deed of easement contains provisions establishing the right for the land to be used for agricultural purposes. The owner retains limited residential rights. All Howard County easements are perpetual and the restrictions run with the land.

How is farmland preserved in Howard County?

Farmland has been preserved using three different methods:

- (1) Since 1980, the purchase of agricultural preservation easements in Howard County by the Maryland Agricultural Land Preservation Foundation (MALPF Purchased),
- (2) Since 1984, the purchase of agricultural preservation easements by the Howard County Agricultural Land Preservation Program (ALPP Purchased), and
- (3) Since 1994, the dedication of agricultural preservation parcels to the Howard County Agricultural Land Preservation Program as provided for in the County's Zoning Regulations (ALPP Dedicated)

Using these tools, the County has preserved almost 23,000 acres of farmland over the last 40 years in the Rural West.

How are ALPP Purchased easements paid for?

The ALPP receives $\frac{1}{4}$ of the 1% local transfer tax. This dedicated funding source has enabled Howard County to steadily preserve valuable farmland over the years without having to rely on the General Fund.

How is the ALPP easement purchase price determined?

An easement pricing formula is used to determine the price per acre the County will pay for the purchase of development rights on an eligible farm. The purchase price of the easement is determined by means of a formula adopted by Resolution of the County Council. There is no guarantee the maximum amount will be reached, as the easement price is determined through the evaluation of property characteristics.

The formula consists of points and the price per acre. Points are numerical values assigned to specific characteristics of a farm which make it more or less desirable to preserve as agricultural land. The maximum number of points that can be awarded is 1,000. The price per acre is the maximum amount the County will pay to purchase development rights, which is capped at \$40,000 per acre of agricultural land.

The price per acre the County will pay to purchase the development rights on a property is determined by adding all the points and then multiplying the number of points by the price factor. The price factor is based on current market values of land for agricultural and development purposes. The price factor is \$40 per point. This price factor, when multiplied by the maximum number of points (1,000), sets a maximum price per acre of \$40,000.

What are the eligibility requirements to enter the ALPP?

According to Section 15.506 of the Howard County Code, Howard County may buy the development rights on a parcel provided that the purchase is consistent with the intentions and policies of the general plan and the parcel meets each of the criteria listed below:

(1) *Developable*. The parcel shall be capable of being further developed to a greater residential density than presently exists or for nonagricultural uses. To meet this criteria, the parcel shall:

- (i) Be in a zoning district which permits development to a higher residential density than presently exists; and

- (ii) Be capable of being subdivided or developed for nonagricultural uses by right, notwithstanding the effect of the growth tier designation of the parcel on the County's general plan in terms of the parcel's major subdivision capability when the landowner applies to sell development rights to the County under this Act.

(2) *Size*. The parcel contains at least 20 contiguous acres.

(3) *Soils*. The parcel shall meet the following soils criteria:

- (i) More than 50 percent of the parcel shall be U.S. Department of Agriculture capability Class I, II and III soils, and more than 66 percent of the parcel shall be Class I through IV soils; and
- (ii) The parcel shall have:
 - a. A complete soil conservation and water quality plan approved by the local soil conservation district; and
 - b. Verification by the local soil conservation district that the plan reflects current conditions and activities on the land.

The MALPF program has its own eligibility criteria.

What rights does the ALPP easement property owner retain?

Section 15.514 of the County Code lists the rights that the landowner retains when an easement is sold to the County. These rights are reiterated in the Deed of Easement. In addition to the financial benefits, the landowner retains fee simple ownership of the land. The presence of an agricultural easement does not grant the public any rights of access or right to use the land.

(1) Unrestricted Lot Rights

Per Section 15.514 a property owner is allowed to subdivide one 1-acre lot for every 50 acres of easement-encumbered land. The County releases the easement on each lot once the location has been approved by the Agricultural Preservation Board and the price per acre is repaid to the County.

(2) Parcel Subdivision Rights

A landowner in the program may also subdivide a parcel of at least 100 acres into parcels of at least 50 acres, unless he or she has relinquished that right as part of the price formulation.

(3) Landowner's Dwelling

If no principal dwelling exists at the time of easement sale, the landowner has the right to build a dwelling if the parcel is 50 acres or larger.

(4) Tenant Houses

If permitted by the deed of easement, and unless the property owner relinquishes some or all rights as part of the price formulation, tenant housing may be constructed at a density of 1 tenant dwelling per 25 acres, if approved by the Agricultural Preservation Board. Tenant housing is meant for workers fully engaged in the operation of the farm and must be consistent with the Howard County Zoning Regulations.

How is farming defined?

According to Section 103 of the Howard County Zoning Regulations, *farming* is defined as the use of land for agricultural purposes, including:

- (1) Crop production, apiaries, horticulture, orchards, agricultural nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- (2) The growing, harvesting and primary processing of agricultural products;
- (3) The breeding, raising, training, boarding and general care of livestock for uses other than food, such as sport or show purposes, as pets or for recreation;
- (4) The operation of agricultural machinery and equipment that is an accessory use to a principal farming function. Agricultural machinery and equipment may be used on farms that are not the farm on which the machinery and equipment is normally stored;
- (5) The construction and maintenance of barns, silos and other similar structures subject to compliance with any applicable bulk regulations;
- (6) The transportation, storage, handling and application of fertilizer, soil amendments, pesticides and manure, subject to all Federal, State and Local laws;
- (7) The temporary, onsite processing of chickens or rabbits on a farm in accordance with the Agriculture Article of the Annotated Code of Maryland; and
- (8) Other uses directly related to, or as an accessory use of, the premises for agricultural purposes including special farm uses permitted under Section 128.0.I.

Not included in this definition are those uses subject to Section 131.0 Conditional Use requirements.

What specific types of activities can occur on an ALPP preserved farm?

According to Section 15.502 of the Howard County Code, *agricultural use*, as it pertains to land in the ALPP, means farming and includes:

- (1) Dairying, pasturage, growing crops, bee keeping, horticulture, floriculture, orchards, plant nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- (2) The breeding, raising, training and general care of livestock for uses other than food, such as sport or show purposes;
- (3) Construction and maintenance of barns, silos and other similar structures, the use of farm machinery, the primary processing of agricultural products and the sale of agricultural products produced on the land where the sales are made; and
- (4) Other uses directly related to or as an accessory use of the premises for farming and agricultural purposes.

Uses allowed on ALPP land are further clarified in Section 106.1 of the Howard County Zoning Regulations and are grouped by those that are permitted by right, by permit (certain accessory uses) and by conditional use. Farming, as defined above, is allowed by right on ALPP easement properties. Accessory uses, including any use normally and customarily incidental to any use permitted as a matter of right, are allowed on ALPP properties. Accessory uses include a variety of “special farm uses,” such as farm stands, agritourism, pick your own operations and value-added processing, just to name a few. Section 128.0.I contains such accessory uses that require Special Farm Permits.

Finally, Section 106.1 provides for a number of uses that are allowed as conditional uses on ALPP properties, if they support the primary agricultural purpose of the easement property or are an ancillary business which supports the economic viability of the farm and are approved by the Hearing Authority. Conditional uses include home occupations, landscape contractors and commercial solar facilities, among others.

For additional information:

*Joy Levy, Administrator
Howard County Agricultural Land Preservation Program
Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043
410-313-4382
Jlevy@howardcountymd.gov*